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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,944	12/31/2001	Lee Friedman	36968/258393 (BS01154)	2142
23552 7590 04/16/2007 MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER PITARO, RYAN F	
			ART UNIT 2174	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			04/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/038,944	FRIEDMAN, LEE	
	Examiner	Art Unit	
	Ryan F. Pitaro	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2007.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-18 and 20-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-18 and 20-82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This communication is responsive to Amendment D, filed 1/31/2007.
2. Claims 1-4,6-18, 20-82 are pending in this application. Claims 1,24,32,45,58, and 70 are in independent form. In Amendment D, Claims 1-18,20-82 were amended and claim 19 was cancelled.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 2, 6, 17,18,20-23, 32-33,38,40,43-47,52-53,57-59,64,66,69-72,77-78,82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) in view of Kenner et al ("Kenner", US 6,314,565) in view of Cheng et al ("Cheng", US 6,151,643).

As per independent claim 1, Kullick discloses a client receiver for receiving remote data from a remote device (Column 3 lines 59-65), where the remote data includes remote program modules (Column 4 lines 30-36) and remote media format access data that corresponds to a set of remote media formats (Column 4 lines 22-27); a client storage unit for storing client data, the client data further comprising: a roster of client media formats that are accessible by the system (Column 16 lines 19-25); wherein received remote media format access data is stored as client media format

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access data, and received remote program modules are stored as client program modules (Column 4 lines 30-36); a client transmitter for transmitting client data to the remote device (Column 3 lines 25-32); wherein client data sent by the transmitter to the remote device includes status information that indicates the status of the client data (Column 6 lines 54-61); and a client processor for executing any of the set of client program modules and for using the client media format access data to access the content of media files (Column 4 lines 11-15) discloses a system wherein the client media format controller replaces client media format access data if the client media format access data is damaged (Kullick, Column 4 lines 45-58). Kullick fails to distinctly disclose a single interface, a set of media formats, a set of program modules, and wherein the set of client media format access data comprises at least one codec and wherein the at least one codec is used to access the content of the media without associating the client media formats with the client program modules; However, Kenner teaches a system for accessing the content of various types of media files using a single interface (Internet Browser). Kenner also teaches a set of client media format access data (Column 6 lines 40-56) and a set of client program modules comprising at least one codec (Column 5 lines 1-16). Kenner also teaches using the codec to access the content of the media files without previously associating the client media formats with the client program modules (Column 6 lines 1-55); further comprising a client media format controller for updating the set of client media access data by adding remote media access data received from the remote device, for replacing client media format access data with corresponding remote media access data received from the remote

device and for deleting client media access data (Kenner, Figure 2). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Kullick with the interface and sets of formats and modules of Kenner. Motivation to do so would have been to ensure that user's enjoyment multimedia is maximized by automatically downloading appropriate codecs to ensure the playback of differently formatted video and audio content. The modified Kullick fails to distinctly point out accessing a plurality of remote devices each of which supports fewer than all the formats. However, Cheng does teach updating and access a plurality of remote devices each of which supports fewer than all of the formats. Therefore it would have been obvious to an artisan at the time of the invention to combine the multi-server system of Cheng with the system of the modified Kullick. Motivation to do so would have been to minimize the load of a single all encompassing server by introducing several other dedicated module servers.

As per claim 2, which is dependent on claim 1, the modified Kullick discloses a system for receiving remote data from a remote device when the system encounters a media file that has a media format from a remote device when the system encounters a media file that has a media format that is not present in the roster of client media formats, and where the remote data includes remote media format access data that enables the system to access the content of the encountered media file. (Kenner, Column 6 lines 16-39).

As per claim 6, which is dependent on claim 1, the modified Kullick discloses a system comprising a client program module controller for updating the set of client program modules by adding remote program modules received from the remote device (Kullick, Column 6 lines 10-17) for replacing client program modules with corresponding remote program modules received from the remote device (Kullick, Column lines 29-31), and for deleting client program modules (Kullick, Column 6 lines 25 -27).

As per claim 17, which is dependent on claim 5, the modified Kullick discloses a system wherein the client media format controller replaces client media format data when corresponding remote media format access data is received from the remote device (Kullick, Column 4 lines 30-36).

As per claim 18, which is dependent on claim 17, the modified Kullick discloses a system where the client media format controller replaces client media format access data if the corresponding remote media format access data is a newer version (Kenner, Column 6 lines 16-25).

As per claim 20, which is dependent on claim 6, the modified Kullick teaches replacing a client program module according to personalization data (Kenner, Column 8 lines 59-64).

As per claim 21, which is dependent on claim 6, the modified Kullick discloses a system wherein the client program module controller replaces a client program module when a corresponding remote program module is received from the remote device (Kullick, Column 4 lines 30-36).

As per claim 22, which is dependent on claim 21, the modified Kullick discloses a system wherein the client program module controller replaces a client program module if the corresponding remote program module is a newer version (Kullick, Column 4 lines 30-36).

As per claim 23, which is dependent on claim 21, the modified Kullick discloses a system wherein the client program module controller replaces a client program module if the client program module is damaged (Kullick, Column 4 lines 45-48).

As per independent claim 32, the Kullick discloses a method of displaying content of media files, comprising: connecting the client device to a communications network Kullick Column 3 lines 29-32); comparing the set of client media format access data to a set of remote media format access data (Kullick, Column 4 lines 5-7); downloading members of a set of remote media format access data in response to the media format comparison (Kullick, Column 4 lines 5-7); Kullick fails to distinctly point out storing a set of media format access data or accessing the media files using the media format access data, wherein the set of client media format access data comprises at least one codec and wherein the at least one codec is used to access the content of the media without associating the client media formats with the client program modules. However, Kenner teaches a system for accessing the content of various types of media

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files using a single interface (Internet Browser). Kenner also teaches a set of client media format access data (Column 6 lines 40-56) and a set of client program modules comprising at least one codec (Column 5 lines 1-16). Kenner also teaches using the codec to access the content of the media files without previously associating the client media formats with the client program modules (Column 6 lines 1-55). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Kullick with the interface and sets of formats and modules of Kenner.

Motivation to do so would have been to ensure that user's enjoyment multimedia is maximized by automatically downloading appropriate codecs to ensure the playback of differently formatted video and audio content. The modified Kullick fails to distinctly point out accessing a plurality of remote devices each of which supports fewer than all the formats. However, Cheng does teach updating and access a plurality of remote devices each of which supports fewer than all of the formats. Therefore it would have been obvious to an artisan at the time of the invention to combine the multi-server system of Cheng with the system of the modified Kullick. Motivation to do so would have been to minimize the load of a single all encompassing server by introducing several other dedicated module servers.

As per claim 33, which is dependent on claim 32, the modified Kullick discloses a method comprising: comparing a set of client program modules to a set of remote program modules (Kullick, Column 4 lines 5-7); downloading members of a set of remote program modules in response to the program module comparison (Kullick,



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Column 4 lines 9-11); and storing the members of the set of remote program modules in the set of client program modules on the client device (Kullick, Column 6 lines 10-17).

As per claim 38, which is dependent on claim 36, the modified Kullick teaches downloading members of the set of remote media format access data according to the personalization data (Kenner, Column 8 lines 59-64).

As per claim 40, which is dependent on claim 32, the modified Kullick discloses a method comprising transmitting data to a remote device (Kullick, Column 3 lines 25-32).

As per claim 43, which is dependent on claim 32, the modified Kullick discloses a method wherein storing the members of the set of remote media format access data further comprises deleting corresponding members of the set of client media format access data previously stored on the client device (Kenner, Column 48-58).

As per claim 44, which is dependent on claim 33, the modified Kullick discloses a method wherein storing the members of the set of remote program modules further comprises deleting corresponding members of the set of client program modules previously stored on the client device (Kenner, Column 48-58).

As per claim independent claim 45, Kullick discloses a method of maintaining and distributing media format access data comprising: storing the set of remote data on a remote server (Column 3 lines 63-65); storing additional data in the set of remote media formats by obtaining the additional data (Column 6 lines 13-17); and downloading data to a client device (Column 4 lines 9-11). However Kullick fails to distinctly point out remote media format data, and wherein the set of client media format access data comprises at least one codec and wherein the at least one codec is used to access the

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content of the media without associating the client media formats with the client program modules. However, Kenner teaches a system for accessing the content of various types of media files using a single interface (Internet Browser). Kenner also teaches a set of client media format access data (Column 6 lines 40-56) and a set of client program modules comprising at least one codec (Column 5 lines 1-16). Kenner also teaches using the codec to access the content of the media files without previously associating the client media formats with the client program modules (Column 6 lines 1-55). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Kullick with the interface and sets of formats and modules of Kenner. Motivation to do so would have been to ensure that user's enjoyment multimedia is maximized by automatically downloading appropriate codecs to ensure the playback of differently formatted video and audio content. The modified Kullick fails to distinctly point out accessing a plurality of remote devices each of which supports fewer than all the formats. However, Cheng does teach updating and access a plurality of remote devices each of which supports fewer than all of the formats. Therefore it would have been obvious to an artisan at the time of the invention to combine the multi-server system of Cheng with the system of the modified Kullick. Motivation to do so would have been to minimize the load of a single all encompassing server by introducing several other dedicated module servers.

As per claim 46, which is dependent on claim 45, the modified Kullick discloses a method wherein obtaining the additional media format access data further comprises

retrieving media format access data that have no corresponding members in the set of remote media format access data (Kullick, Column 4 lines 30-36).

As per claim 47, which is dependent on claim 45, the modified Kullick discloses a method wherein obtaining the additional media format access data further comprises retrieving media format access data that are newer than the corresponding members of the set of remote media format access data (Kullick, Column 6 lines 13-17).

As per claim 52, which is dependent on claim 45, the modified Kullick discloses a method compiling a set of remote program modules (Kullick, Column 3 lines 63-65); storing the set of remote program modules on the remote server (Kullick, Column 3 lines 63-65); and storing additional remote program modules on the remote server by adding program modules that have no corresponding members in the set of remote program modules (Kullick, Column 3 lines 63-65; *wherein all new updated versions are stored*).

As per claim 53, which is dependent on claim 52, the modified Kullick fails to distinctly point out personalization data. However, wmp7 teaches status data further including user personalization data (Figure 2 items 10, 20). Therefore it would have been obvious to combine the modified method of Kullick with the teaching of wmp7. Motivation to do so would have been to limit the downloading time by only downloading those members, which are pertinent to the user.

As per claim 57, which is dependent on claim 45, the modified Kullick discloses a method wherein downloading data to the client device is initiated by the client device (Kullick, Column 3 lines 55-57).

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Claim 58 is similar to scope to claim 32, and is therefore rejected under similar rationale.

Claim 59 is similar to scope to claim 33, and is therefore rejected under similar rationale.

Claim 64 is similar to scope to claim 38, and is therefore rejected under similar rationale.

Claim 66 is similar to scope to claim 40, and is therefore rejected under similar rationale.

As per claim 69, which is dependent on claim 58, the modified Kullick discloses a method wherein storing the members of the set of remote media format access data further comprises deleting corresponding members of the set of client media format access data previously stored on the client device (Kenner, Column 48-58); and wherein storing the members of the set of remote program modules further comprises deleting corresponding members of the set of client program modules previously stored on the client device (Kenner, Column 48-58).

Claim 70 is similar to scope to claim 45, and is therefore rejected under similar rationale.

Claim 71 is similar to scope to claim 46, and is therefore rejected under similar rationale.

Claim 72 is similar to scope to claim 47, and is therefore rejected under similar rationale.

Claim 77 is similar to scope to claim 52, and is therefore rejected under similar rationale.

Claim 78 is similar to scope to claim 53, and is therefore rejected under similar rationale.

Claim 82 is similar to scope to claim 57, and is therefore rejected under similar rationale.

5. Claims 10-16,36,39,62,65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) and Kenner et al ("Kenner", US 6,314,565) and Cheng et al ("Cheng", US 6,151,643) in view of Windows Media Player 7 ("wmp7").

As per claim 10, which is dependent on claim 1, the modified Kullick fails to distinctly point out a graphical user interface. However, wmp7 teaches a system comprising a graphical user interface comprising: means for selecting media files to be access by the system (Figure 7 item 510); means for controlling the appearance of the GUI, wherein the GUI is customizable such that a user can determine how the GUI is displayed (Figure 5 item 310); and means for controlling the functionality of the GUI, wherein the GUI is customizable such that a user can determine the frequency and manner of data transfers to and from the remote server ( Figure 2 item 20); wherein user customizations are stored in the client storage unit as personalization data

*(wherein the customizations are inherently stored as personalization data causing the appearance and updating of the interface to resemble the data).* Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick system with the teaching of wmp7. Motivation to do so would have been to make the system more aesthetically pleasing to and easier to interact with.

As per claim 11, which is dependent on claim 10, the modified Kullick teaches accessing the content of the media files according to the stored personalization data (Kenner, Column 8 lines 59-64).

As per claim 12, which is dependent on claim 10, the modified Kullick discloses a system wherein the GUI displays a roster of the set of client media formats in a user-readable format (wmp7, Figure 4 item 210).

As per claim 13, which is dependent on claim 12, the modified Kullick discloses a system where the roster includes the status of the client data (Kullick, Column 6 lines 54-61).

As per claim 14, which is dependent on claim 10, the modified Kullick discloses a system wherein the GUI further comprises a graphic equalizer (wmp7, Figure 3 item 130).

As per claim 15, which is dependent on claim 10, the modified Kullick discloses a system wherein the GUI further comprises a viewing area (wmp7, Figure 3 item 130).

As per claim 16, which is dependent on claim 10, the modified Kullick discloses a client transmitter transmits the stored personalization data to the remote device and the

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remote device stores the personalization data in a remote storage unit (wmp7, Figure 2 item 30; wherein sites must store the data to be able to uniquely identify).

As per claim 36, which is dependent on claim 32, the modified Kullick fails to disclose personalizing a GUI and storing the personalization data. However, wmp7 teaches implementing customizations to the appearance and functionality of a graphical user interface (GUI) and storing the customizations as personalization data (Figure 5 items 310 and 320; *wmp saves user settings such as format and skin information so that they can be rendered at an alternate encounter*). Therefore it would have been obvious to combine the modified method of Kullick with the teaching of wmp7. Motivation to do so would have been to make the GUI more aesthetically pleasing and easier to interact with.

As per claim 39, which is dependent on claim 32, the modified Kullick fails to disclose personalizing a GUI and storing the personalization data and downloading remote media according to the personalization data. However, wmp7 teaches implementing customizations to the appearance and functionality of a graphical user interface (GUI) and storing the customizations as personalization data (Figure 5 items 310 and 320; *wmp saves user settings such as format and skin information so that they can be rendered at an alternate encounter* and downloading members of the set of remote media format access data according to the personalization data (Figure 2 items 10, 20). Therefore it would have been obvious to combine the modified method of Kullick with the teaching of wmp7. Motivation to do so would have been to make the GUI more aesthetically pleasing.

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Claim 62 is similar to scope to claim 36, and is therefore rejected under similar rationale.

Claim 65 is similar to scope to claim 39, and is therefore rejected under similar rationale.

1. Claims 56,81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) in view of Kenner et al ("Kenner", US 6,314,565) and Cheng et al ("Cheng", US 6,151,643).

As per claim 56, which is dependent on claim 45, the modified Kullick fails to disclose downloading initiated by the remote server. However, Official Notice is taken that server initiated downloads are well known in the art some examples include: a remote booting system where the boot commands are sent by the server to a terminal to initiate a boot sequence or a network administrator "forcing" updates to its network via the server. Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with server initiated downloads. Motivation to do so would have been to eliminate the burden from the user to download updates.

Claim 81 is similar to scope to claim 56, and is therefore rejected under similar rationale.



2. Claims 3, 41, 50, 67, 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) and Kenner et al ("Kenner", US 6,314,565) and Cheng et al ("Cheng", US 6,151,643) in view of Fox et al ("Fox", US# 5,790,677).

As per claim 3, which is dependent on claim 1, the modified Kullick fails to disclose client identifying data and billing information. However, Fox teaches a system wherein client data transmitted to the remote device includes identifying data (Column 8 lines 39-42) and billing information (Column 7 lines 52-58). Therefore it would have been obvious to combine the modified system of Kullick with the teachings of Fox. Motivation to do so would have been to uniquely identify the user for security purposes.

Claims 41, 50, 67, 75 are similar to scope to claim 3, and are therefore rejected under similar rationale.

3. Claims 4, 24-25, 27, 28, 34, 35, 42, 54, 55, 60, 61, 68, 79, 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) and Kenner et al ("Kenner", US 6,314,565) and Cheng et al ("Cheng", US 6,151,643) in view of Menezes ("Menezes", Handbook of Applied Cryptography).

As per claim 4, which is dependent on claim 1, the modified Kullick fails to distinctly point out an encryption system. However, Menezes teaches a system comprising: a decrypter for decrypting the remote data (Figure 1.11 Bob) and an

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encrypter for encrypting the client data prior to transferring the client data to the remote device (Figure 1.11 Alice). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Menezes. Motivation to do so would have been to allow for secure transfer over an unsecured channel.

As per independent claim 24, Kullick discloses a remote program module controller for compiling and updating a set of remote program modules (Column 3 lines 58-65); a remote storage unit for storing the remote media format access data and the set of remote program modules (Column 3 lines 63-65); and a remote transmitter for transmitting remote format access data and remote program modules to at least one client device that is connected to the communications network (Column 3 lines 26-32). Kullick fails to disclose a set of remote media formats, and wherein the set of client media format access data comprises at least one codec and wherein the at least one codec is used to access the content of the media without associating the client media formats with the client program modules. However, Kenner teaches a system for accessing the content of various types of media files using a single interface (Internet Browser). Kenner also teaches a set of client media format access data (Column 6 lines 40-56) and a set of client program modules comprising at least one codec (Column 5 lines 1-16). Kenner also teaches using the codec to access the content of the media files without previously associating the client media formats with the client program modules (Column 6 lines 1-55). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Kullick with the interface and sets of

formats and modules of Kenner. Motivation to do so would have been to ensure that user's enjoyment multimedia is maximized by automatically downloading appropriate codecs to ensure the playback of differently formatted video and audio content. The modified Kullick fails to distinctly point out an encryption system. However, Menezes teaches a system comprising: a remote encrypter for encrypting the data and the program modules (Figure 1.11 Alice). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Menezes. Motivation to do so would have been to allow for secure transfer over an unsecured channel. The modified Kullick fails to distinctly point out accessing a plurality of remote devices each of which supports fewer than all the formats. However, Cheng does teach updating and access a plurality of remote devices each of which supports fewer than all of the formats. Therefore it would have been obvious to an artisan at the time of the invention to combine the multi-server system of Cheng with the system of the modified Kullick. Motivation to do so would have been to minimize the load of a single all encompassing server by introducing several other dedicated module servers.

As per claim 25, which is dependent on claim 25, the modified Kullick fails to disclose a decrypter for the data. However, Menezes teaches a system comprising a remote receiver for receiving client data from the client device; and a remote decrypter for decrypting the client data (Figure 1.11 Bob). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching

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of Menezes. Motivation to do so would have been to allow for secure transfer over an unsecured channel.

As per claim 27, which is dependent on claim 25, the modified Kullick discloses a system wherein the remote receiver is for uploading data indicating the status of client media format access data stored on the client device (Kullick, Column 7 lines 9-14) and wherein the remote transmitter is for downloading the remote media format access data to the client device according to the uploaded status data (Kullick, Column 7 lines 15-17).

As per claim 28, which is dependent on claim 25, the modified Kullick discloses a system wherein the remote receiver is for uploading data indicating the status of client program modules stored on the client device (Kullick, Column 7 lines 9-14) and wherein the remote transmitter is for downloading the remote program modules to the client device according to the uploaded status data (Kullick, Column 7 lines 15-17).

As per claim 34, which is dependent on claim 32, the modified Kullick fails to distinctly point out decrypting of information. However, Menezes teaches decrypting the members of the set of remote media format access data (Figure 1.11 Bob). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Menezes. Motivation to do so would have been to allow for secure transfer over an unsecured channel.

As per claim 35, which is dependent on claim 32, the modified Kullick fails to distinctly point out decrypting of information. However, Menezes teaches decrypting the members of the set of remote program modules (Figure 1.11 Bob). Therefore it would

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have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Menezes. Motivation to do so would have been to allow for secure transfer over an unsecured channel.

As per claim 42, which is dependent on claim 40, the modified Kullick fails to distinctly point out encrypting of information. However, Menezes teaches a method wherein transmitting data comprises encrypting the data (Figure 1.11 Alice). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Menezes. Motivation to do so would have been to allow for secure transfer over an unsecured channel.

As per claim 54, which is dependent on claim 52, the modified Kullick fails to distinctly point out encrypting of information. However, Menezes teaches encrypting data downloaded from the remote server (Figure 1.11 Alice) Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Menezes. Motivation to do so would have been to allow for secure transfer over an unsecured channel.

As per claim 55, which is dependent on claim 52, the modified Kullick fails to distinctly point out decrypting of information. However, Menezes teaches decrypting the data uploaded to the remote server (Figure 1.11 Bob). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Menezes. Motivation to do so would have been to allow for secure transfer over an unsecured channel.

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Claim 60 is similar to scope to claim 34, and is therefore rejected under similar rationale.

Claim 61 is similar to scope to claim 35, and is therefore rejected under similar rationale.

Claim 68 is similar to scope to claim 42, and is therefore rejected under similar rationale.

Claim 79 is similar to scope to claim 54, and is therefore rejected under similar rationale.

Claim 80 is similar to scope to claim 55, and is therefore rejected under similar rationale.

4. Claims 7, 8, 48, 51, 73, 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) and Kenner et al ("Kenner", US 6,314,565) and Cheng et al ("Cheng", US 6,151,643) in view of Sakanishi ("Sakanishi", US# 6,678,888).

As per claim 7, which is dependent on claim 5, the modified Kullick fails to disclose downloading upon an inquiry. However, Sakanishi teaches a system wherein the client media format controller updates the set of client media formats and associated client media format access data upon receiving an inquiry from the remote device (Column 5 lines 56-62). Therefore it would have been obvious to an artisan at the time

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of the invention to combine the modified Kullick with the teaching of Sakanishi.

Motivation to do so would have been to ensure the proper updates were taking place.

As per claim 8, which is dependent on claim 5, the modified Kullick fails to disclose downloading upon an inquiry. However, Sakanishi teaches a system wherein the client program module controller updates the set of client program modules upon receiving an inquiry from the remote device (Column 5 lines 56-62). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Sakanishi. Motivation to do so would have been to ensure the proper updates were taking place.

As per claim 48, which is dependent on claim 45, the modified Kullick fails to disclose uploading status data for downloading data. However, Sakanishi teaches a method comprising uploading status data from the client device where the status data indicates the status of a set of client media format access data, and wherein downloading data to the client device further comprises downloading data to the client device according to the status data (Column 5 lines 56-62). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Sakanishi. Motivation to do so would have been to download only the updates, which have not been downloaded, are downloaded to eliminate unnecessary downloads.

As per claim 51, which is dependent on claim 45, the modified Kullick fails to disclose uploading status data for downloading data. However, Sakanishi teaches a

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method wherein uploading status data further comprises uploading a result of a comparison of the set of remote media format access data to the set of client media format access data (Column 5 lines 56-62). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Sakanishi. Motivation to do so would have been to download only the updates, which have not been downloaded, are downloaded to eliminate unnecessary downloads.

Claim 73 is similar to scope to claim 48, and is therefore rejected under similar rationale.

Claim 76 is similar to scope to claim 51, and is therefore rejected under similar rationale.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) and Kenner et al ("Kenner", US 6,314,565) and Cheng et al ("Cheng", US 6,151,643) in view of Capps et al ("Capps", US2002/0082730).

As per claim 9, which is dependent on claim 1, the modified Kullick fails to disclose a network interface for interfacing with the Internet. However, Capps teaches a network interface for interfacing with the Internet ([0031] lines 7-11). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Capps. Motivation to do so would have been to extend the users capability to include Internet access.



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6. Claims 29, 49, 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) and Kenner et al ("Kenner", US 6,314,565) and Cheng et al ("Cheng", US 6,151,643) in view of Yale ("Yale", US 2002/0091764).

As per claim 29, which is dependent on claim 25, the modified Kullick fails to distinctly point out uploading personalization data. However, Yale teaches a system wherein the remote receiver is for uploading user personalization data ([0043] lines 7-12) and the remote transmitter is for downloading remote media format access data and remote program modules according to the user personalization data ([0044] lines 9-11; *wherein the transmission of files is a result of a user preference*). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Yale. Motivation to do so would have been to so would have been to add an element, which makes the interface unique to each user.

As per claim 49, which is dependent on claim 45, the modified Kullick fails to distinctly point out transmitting data over the Internet. However, Yale teaches a method wherein downloading data comprises transmitting the data over the Internet. Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Yale. Motivation to do so would have been to utilize the well-known established connections such as the Internet.

Claim 74 is similar to scope to claim 49, and is therefore rejected under similar rationale.

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Claims 30-31,37,63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) and Kenner et al ("Kenner", US 6,314,565) and Cheng et al ("Cheng", US 6,151,643) in view of Yale ("Yale", US 2002/0091764) in view of Windows Media Player 7 ("wmp7").

As per claim 30, which is dependent on claim 29, the modified Kullick fails to disclose the personalization data. However, wmp7 teaches a system, wherein the personalization data further controls the frequency and manner of downloading and storage of the remote program modules, and the personalization data controls the links to the media files (wmp7, Figure 2 items 10,20). Therefore it would have been obvious to combine the modified method of Kullick with the teaching of wmp7. Motivation to do so would have been to automatically update according to user preferences to alleviate the user from manually performing the actions.

As per claim 31, which is dependent on claim 30, the modified Kullick fails to distinctly point out uploading personalization data. However, Yale teaches a system wherein the remote storage unit further functions to store the personalization data ([0043] lines 13-15). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Yale. Motivation to do so would have been to so would have been to add an element, which makes the interface unique to each user.

As per claim 37, which is dependent on claim 36, the modified Kullick fails to distinctly point out transmitting personalization data. However, Yale teaches a method comprising transmitting the personalization data to a remote device ([0043] lines 13-15).

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Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Kullick with the teaching of Yale. Motivation to do so would have been to so would have been to add an element, which makes the interface unique to each user.

Claim 63 is similar to scope to claim 37, and is therefore rejected under similar rationale.

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kullick ("Kullick", US# 5,732,275) and Kenner et al ("Kenner", US 6,314,565) and Cheng et al ("Cheng", US 6,151,643) in further view of Menezes ("Menezes", Handbook of Applied Cryptography) in further view of Fox et al ("Fox", US# 5,790,677).

As per claim 26, which is dependent on claim 1, the modified Kullick fails to disclose client identifying data and billing information. However, Fox teaches a system wherein client data transmitted to the remote device includes identifying data (Column 8 lines 39-42) and billing information (Column 7 lines 52-58). Therefore it would have been obvious to combine the modified system of Kullick with the teachings of Fox. Motivation to do so would have been to uniquely identify the user for security purposes.

### ***Response to Arguments***

Applicant's arguments filed 1/31/2007 have been fully considered but they are not persuasive.

Applicants argue that replacing existing damaged client media format access data is not equivalent to searching for a missing file because in Kullick, a damaged file does not exist to be replaced. To replace something is to put in the place of another, in Kullick if a critical file is missing it would need replaced since it is no longer there. Therefore the replacing argument of the Applicant is moot. As far as a damaged file, Kullick teaches other situations than the file missing, for example if the user renames, moves, or deletes the file. Renaming the file is clearly damaging it since the file is now rendered useless. Although it may be physically there, the program cannot launch since the critical file cannot be found because it is damaged. Kullick suggests one alternative to fix this would be to download a new copy to the local memory (Column 4 lines 55-58).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Monday through Thursday-Th, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro

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Patent Examiner

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